

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CMEG NYMEX INC. :

Plaintiff, :

-against- :

OPTIONABLE, INC., KEVIN CASSIDY,
PIERPONT CAPITAL, INC, EDWARD
O'CONNOR, RIDGECREST CAPITAL, INC.
and MARK NORDLICHT, :

Defendant. :

No. 1:09-cv-03677 (GBD)

ORAL ARGUMENT REQUESTED

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NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Mark Nordlicht's Motion to Dismiss the Complaint, defendant Mark Nordlicht ("Nordlicht") hereby moves this Court, before the Honorable George B. Daniels, United States District Judge for the Southern District of New York, at the United States Courthouse at 500 Pearl Street, New York, New York 10007 for an order dismissing with prejudice all claims in the Complaint against defendant Nordlicht, pursuant to Federal Rules of Civil Procedure 8(a)(2), 9(b), and 12(b)(6), and the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4, and granting such other and further relief as the Court deems just and proper.

Nordlicht submits this motion subject to and without waiving any arguments concerning other defenses that may be raised subsequently in the above-captioned actions or any other actions consolidated before this Court.

Dated: New York, New York
June 19, 2008

CURTIS, MALLET-PREVOST,
COLT & MOSLE LLP

By:  _____

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